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BEFORE THE
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
U.S. HOUSE OF REPRESENTATIVES
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TRUCK INCIDENTS AND ACCIDENTS INVOLVING SHIFTING OR FALLING CARGO

Thank you, Mr. Chairman. I am pleased to be here today to discuss the important issue of cargo securement on commercial motor vehicles. I appreciate the opportunity to be here for this, my first appearance before a subcommittee of the House Public Works and Transportation Committee. I am glad that my first hearing before the Committee will address such an important safety issue, inasmuch as increased highway safety is one of the main objectives of myself, Secretary Peña, and the Clinton Administration.

As you know, some recent unfortunate incidents, particularly in the State of New York, involving cargo falling from commercial motor vehicles have brought increased public attention to cargo securement practices in the trucking industry and Federal cargo securement regulations. Of particular concern is the transportation of steel coils, which range in size from 5,000 to 40,000 pounds. Less than one percent of commercial motor vehicle accidents reported to the Federal Highway Administration (FHWA) in 1990 involved the loss of steel

coils or other cargo. But when these incidents occur, they present the possibility of tragic consequences.

The regulations for cargo securement are part of the Federal Motor Carrier Safety Regulations (49 CFR Part 393, Subpart I). Current cargo securement requirements were proposed in 1969. Under the 1969 proposal, each tiedown was required to have a minimum breaking strength of approximately 16,000 pounds. The final rule issued in 1971 resulted in the adoption of a performance-based standard, including the use of "static breaking strength" as a measure of tiedown performance capabilities. The current regulations require the static breaking strength of tiedown assemblies used to secure cargo to be at least one and one-half times the weight of the cargo secured.

The FHWA believes the current regulations provide effective containment procedures to assure the safe transportation of loads. The recent accidents in the Buffalo, New York, area appear to involve coils that were not secured in accordance with Federal regulations. We believe that this problem can be addressed through more focused enforcement of existing regulations and an increased effort to inform motor carriers involved in transporting these coils or other cargo about the requirements. I would like to summarize for the Committee how the FHWA is improving enforcement activities, public awareness, education and training, research, and our regulations.

Enforcement

States conduct 1.6 million roadside inspections of trucks and buses annually under the Motor Carrier Safety Assistance Program (MCSAP). We are working with State MCSAP personnel to target inspections at locations in the Northeast, Midwest and Mid-Atlantic areas

where metal coil transportation is especially common. Anticipated sites include: Buffalo, Baltimore, Pittsburgh, northern Indiana, eastern Michigan (the I-75 Corridor), and Ontario, Canada. We are working with State and Canadian provincial officials to schedule special roadside inspections (or "roadchecks") in these areas.

We believe this increased enforcement is justified based on the New York Department of Transportation's (NYDOT) recently conducted inspections, which I know the Committee is aware of, and the FHWA's participation in "Roadcheck '93." For 72 hours from June 8 through 10, safety inspections were conducted at about 300 sites in every State and Canadian province. Roadcheck '93 was coordinated by the FHWA and the Commercial Vehicle Safety Alliance (CVSA), which is composed of State, Canadian Provincial, and Mexican officials responsible for the administration and enforcement of motor carrier safety laws. Although we have not yet received enough data from the States to allow us to draw any broad conclusions, we have received figures from five States (Illinois, Michigan, Minnesota, Ohio, and Wisconsin) that concentrated their Roadcheck '93 efforts on load securement. Of the 416 flatbed vehicles checked (transporting metal coils or other metal articles), 86 were placed out of service for serious load securement violations.

Public Awareness

We have also embarked on other efforts to make our regulations more widely known. In conjunction with the NYDOT's special inspection program on load securement, we expect to publish a bulletin in early August on the accidents reported in the Buffalo area that will reemphasize the regulations on cargo securement and explain how to comply with them. This bulletin will be distributed to the general news media, the trade press, and to all motor

carriers listed in our national database as operating flatbed trucks and trailers. The bulletin was developed jointly by my staff and the CVSA.

Education and Training

I firmly believe that safety can be enhanced through increased education and training. While we are moving aggressively to enforce the regulations, we are also trying to ensure that drivers, motor carriers, safety inspectors, shippers and others understand the rules and know how to secure these loads. We will allocate MCSAP funds to New York this year to support a special cooperative effort with other States to identify cargo securement problems, particularly those involving steel coils. We expect New York to develop training packages that include printed materials and perhaps videos that could be used by other States in a nationwide effort to improve compliance.

Research

In the FHWA's five-year research plan, cargo securement was identified as a high priority area because of the increasing demand for the transportation of specialized cargos on commercial motor vehicles.

In early May of this year, Ontario officials invited the FHWA to review a research proposal they had developed for the Canadian Council of Motor Vehicle Administrators on better ways to secure cargo, including steel coils. After a review of this proposal by the FHWA and New York, I have instructed my staff to work with CVSA, New York, and Canadian officials to participate in the review and evaluation of this promising research effort. If the research proves fruitful, our goal is to incorporate the eventual results of this research into the CVSA's Uniform North American Inspection Standards and the FHWA's

regulations. The CVSA Standards are the bases for vehicle inspections performed in the U. S. and Canada and are being adopted by Mexico.

In addition, I recently received a proposal from a private company advocating the use of a "cradle" for transporting metal coils. Because of the specialized technical nature of this proposal, I directed that it be evaluated by the FHWA's Highway Innovative Technology Evaluation Center, which is part of our Turner-Fairbank Highway Research Center in Virginia.

Improving Knowledge and Understanding of the Regulations

As part of its program to improve the enforcement of cargo securement regulations, the CVSA petitioned the FHWA to incorporate the use of "working load limits" in the U.S. safety regulations. The concept of a working load limit would replace "static breaking strength" for the load rating of tiedown devices.

The working load is the mean ordinary load to which the tiedown is subjected. Generally, the working load limit is determined by taking the breaking strength of the tiedown and factoring in a margin of safety. The breaking strength is the rating at which any part of the tiedown fails. The CVSA believes that working load "limits" will make the tiedown regulations easier to understand, use, and enforce. Working load limits are a term more familiar to motor carriers and more commonly used to describe the performance capabilities of tiedown equipment than are static breaking strengths.

The FHWA granted the CVSA's petition on January 11, 1993. We intend to respond to this petition by publishing a notice of proposed rulemaking to request public comment on specific regulatory issues. The use of this rulemaking process will serve as a valuable tool in

keeping open the lines of communication between the FHWA and industry on a subject of great importance, increasing industry awareness about cargo securement requirements, and promoting a greater degree of understanding of and compliance with the cargo securement regulations. The working load limit may have greater promise of becoming a common international standard than static breaking strength.

We believe that the use of working load limits could result in a major improvement to the safety regulations. The use of working load limits would also promote a greater degree of compatibility between U.S. and Canadian safety regulations. Further changes may be needed depending on the results of the joint Canadian-U.S. research effort.

Given the potentially fatal consequences of an improperly secured load, as evidenced by several recent incidents, there is clearly a need for many motor carriers to reexamine the way they secure their loads. The FHWA has a responsibility to ensure that relevant language in the Federal regulations is clear and consistent with industry terminology as far as possible.

In closing, the FHWA believes this is an important safety issue and we applaud this Committee for the visibility it gives to the problem through this hearing today. We are increasing our enforcement, making the industry and public aware of the issue, pursuing research, increasing education and training, and working with the CVSA to make our regulations easier to understand.

Thank you for the opportunity to explore the cargo securement issue. I'll be happy to respond to any questions.